



U.S. DEPARTMENT OF STATE
U.S. CONSULATE GENERAL, TORONTO

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Treaty visas are authorized on the basis of treaties between the United States and approximately sixty other countries, including Canada. If you are not a citizen of Canada and want to know if a treaty exists between the U.S. and your country of citizenship, the information is available at <http://foia.state.gov/masterdocs/09fam/0941051x1.pdf>.

The United States Consulate General in Toronto processes E visas for all of Canada except British Columbia and Yukon. Cases from these provinces are adjudicated in Vancouver – see the Vancouver website for details:
<http://www.usconsulatevancouver.ca/content/content.asp?section=visas&document=evisa>.

If you are a Canadian citizen or landed immigrant from one of the qualifying treaty countries, you may file your application in Toronto (or Vancouver); all other applicants should apply in their country of permanent residence.

FREQUENTLY ASKED "E" VISA QUESTIONS AND ANSWERS

Q. I am a Canadian citizen, do I need an E visa? Do I need a passport?

A. Canadian citizens are required to have a visa in order to enter the United States in Treaty Trader or Treaty Investor status. All successful E visa applicants and their dependents are expected to present valid passports in order to be issued the visa, regardless of nationality.

Q. I received a change of status from the Immigration and Naturalization Service (INS). Is that all that I need to present in order to be issued an E visa at your office?

A. No. The change of status simply allows you to remain in the United States until the expiration of the status granted. **If you have been granted a change of status by the INS and leave the U.S., you must have an E visa in order to return to the U.S. in that status.** To obtain a visa you must file a **complete** application with this office. Please follow the instructions contained on our website. Adjudication of your case will take four to six weeks from the date the completed application is received in our office.

Q. How much money do I need to invest?

A. There is no minimum amount for an investment. E-2 visa regulations state that the investment must be sufficient to ensure the success of the business. As different types of businesses require different amounts of capital, the amount you will need to invest depends on your U.S. enterprise.

Q. Do I really have to invest the money before I apply for the visa? Can't you issue me the visa first?

- A. E-2 visa regulations state that the funds must be "irrevocably committed" to the investment **before** the visa may be issued. Therefore, you must document that your investment meets this criteria at the time of initial application; this is usually accomplished by showing that the investment has already been made. Funds can be considered to be irrevocably committed, however, if they are held in an escrow account contingent on the issuance of an E visa.

Q. How do I start a business if I don't have the visa?

- A. You may enter the United States in B-1 (temporary business) visa status in order to **set up (not run)** your business. **You may not be paid in the U.S. while in B-1 status.** If your enterprise requires someone to manage or run daily operations, you may hire individuals who are already properly documented to work in the U.S. prior to receiving your visa. Once you have the initial commitments completed, you should apply immediately for the E visa.

Q. How long do I have to wait before I can apply for a "green card" or U.S. citizenship?

- A. An E visa is a **non-immigrant** visa and does not lead to either a "green card" or U.S. citizenship. You may remain in the U.S. only as long as your business conforms to E visa regulations, assuming you maintain proper visa and immigration status.

Q. Do I need an immigration attorney?

- A. There is no requirement that you hire an attorney to file your E visa application. While many E Visa applicants choose to retain the services of an attorney to aid in preparation of their case, others do not. The decision to retain counsel is a personal one, and does not necessarily effect the approvability of your case. The Consulate General is prohibited from referring you to an attorney. Applicants who wish to retain counsel may note that referral services are provided by the American Immigration Lawyers Association and other similar organizations.

Q. Where can I get information about good places to invest in the U.S.?

- A. The Consulate General does not have regional or state business and economic information. In the U.S., you should contact state offices of economic development, local chambers of commerce and small business administrations for economic forecasts and similar information. Additionally, several U.S. states maintain trade and economic development offices in Toronto and Montreal, and they may be able to provide assistance to qualified investors.

Q. What licenses and permits do I need to open and run a business in the United States?

- A. Licensing and permit requirements vary by state and county and with the type of business you wish to operate. For specific information, please contact the appropriate government offices in the locality where you plan to start your business.

Q. I own an E company and want to employ someone who is not in the U.S. Can employees of an E company qualify for an E visa to work in my U.S. enterprise?

- A. To qualify for an E visa as the employee of an E company, the applicant must have the same citizenship as the owners of the E company. Additionally, the job to be performed must be executive or supervisory in nature, or the employee must possess skills which are essential to the operation of the U.S. enterprise.

Q. Can my spouse and children work in the U.S.?

- A. Effective January 16, 2002, dependent spouses of E visa holders are eligible to apply for work authorization from the U.S. Immigration & Naturalization Service. Children of E visa holders are not permitted to work in the United States unless they **independently** qualify for employment authorization, such as an E, H, L or TN visa.

Q. My spouse (or child) uses a different surname than I do. Is that a problem?

- A. A dependent whose surname differs from the surname of the E visa holder should submit proof of the relationship (a marriage certificate for spouses or birth certificates for children, for example).

Q. Can my fiancé(e) or common law spouse accompany me?

- A. Under U.S. immigration law, a legal marriage must exist before one is considered to be a spouse. Therefore, fiancé(e)s and common law spouses do not qualify for derivative E visa status. Other avenues may be available to assist those applicants in such a situation. Please inquire at the time of submitting your application.

Q. My spouse and/or children are citizens of a country other than my own. Can they still accompany me?

- A. The spouse and children (defined as unmarried and under 21 years of age) do not need to have the same citizenship as the principal applicant. However, dependents of E visa holders are required to have visas in order to accompany the principal applicant to the U.S.

Q. Do I have to come to Toronto in person?

- A. For all categories of visas, including Treaty Visas, each applicant age 14 or older must appear for a personal interview before a Consular Officer. In all cases, each applicant (including those under 14 years of age), must be physically present in Canada at the time of issuance. Those applicants who are found to be ineligible for a U.S. visa for criminal convictions, immigration violations, drug charges, or other similar reasons may have to appear to determine grounds of ineligibility and applicability of a waiver for any such ineligibility. In such cases – the applicant must be prepared for a wait of up to 6-8 weeks while eligibility is confirmed and/or a waiver requested. After your submitted case is reviewed, you will be notified when and how to schedule an interview.

Q. Can anyone apply for an E visa in Toronto?

- A. Only Canadian citizens and landed immigrants in Canada from a qualifying treaty country may file E visa applications in Toronto. Please note that British passport holders who are

landed immigrants of Canada may not be eligible and should see the separate notice on our webpage.

Q. How long does the processing take?

A. Cases are adjudicated within four to six weeks of the date that your **completed** application is logged into our computer tracking system (also known as your “login date”). If your initial submission is not complete, then your case will not be officially “received” until we receive the missing information. Please note that frequently an applicant’s submission will require clarification or additional information before the adjudicating officer can make a determination of eligibility. If this is the case, you (or your attorney of record) will be notified in writing by email.

Q. Will it speed up the processing if I send my passport now?

A. No. Do not send passports until requested by this office to do so. Submitting passports early can delay the processing of your case.

Q. I paid US \$100.00 when I applied. Why is there an additional fee for issuance?

A. The US \$100.00 fee you paid at the time of application is called the Machine-Readable Visa (MRV) processing fee. This non-refundable fee is charged to all applicants for non-immigrant visas regardless of whether the application is approved. Once your case has been approved, there may be an additional fee for issuance of the visa. This fee is called a “reciprocity fee” and is determined by the fees that your country of citizenship charges U.S. citizens for similar visas. The E visa reciprocity fee for a Canadian citizen, for example, is currently US \$40.00.

Q. I’ve read all this information, and I still have questions. Who can answer them?

A. Before contacting this office, please review all of the information provided on our website. If after reviewing the website, you find that your specific questions have not been answered, you may contact the Treaty Visa Office by email. We cannot, however, discuss hypothetical cases. We are prohibited from offering case specific legal advice. If you require such advice, you may wish to seek the counsel of a competent immigration professional.
E-mail: evisoronto@state.gov

HOW TO APPLY FOR AN E VISA

1. Complete your application package in accordance with the **MANDATORY** formatting instructions available on our website.
2. Submit completed application packages **(mailed from Canada) by mail or courier** to:

Treaty Visa Unit
U.S. Consulate General, Toronto
360 University Avenue
Toronto, ON M5G 1S4

CANADA

Submit packages mailed *from the US via regular post* to:

Treaty Visa Unit
U.S. Consulate General, Toronto
P.O. Box 135
Lewiston, NY 14092 USA

Submit packages mailed *from the US via courier services* (i.e. UPS, FEDEX, DHL) to:

U.S. Consulate General -Toronto
Suite 100
2215 Kenmore Ave
Tonawanda, NY 14207

3. Four to six weeks after we enter your case in our processing queue, we will notify you of the outcome of your case. You may check your case's status by comparing the login date we give you (this will be provided to you by email) with the Priority Date Counter on our website.
4. If your case requires clarification or additional information, we will send a request for information to you (or your attorney of record) by email. If your case is denied, we will send you a letter of explanation.
5. If your case is approved, we will send you detailed instructions on how to schedule a personal interview. Some visa applicants must pay an additional reciprocity fee for E visa issuance. For Canadian citizens, the fee is currently US \$40.00.

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